

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ROBERT GINEMAN,

Plaintiff,

Case No. 09-CV-11955

v.

HON. GEORGE CARAM STEEH

UNITED STATES OF AMERICA
(DEPARTMENT OF VETERAN
AFFAIRS),

Defendant.

/

ORDER GRANTING DEFENDANT'S MOTION
FOR AN ORDER AUTHORIZING COSTS (#27)

On April 27, 2011, this court entered judgment in favor of the defendant. Local Rules 54.1 and 54.1.2 require a prevailing party to file a bill of costs and motion for attorneys' fees and nontaxable expenses no later than 28 days after entry of judgment. Defendant filed its bill of costs on May 3, 2011. The taxation clerk allowed \$350 in costs but denied the remainder of defendant's request for the reasons stated by the clerk. Defendant filed an amended bill of costs on May 4, 2011 seeking to rectify the problems noted by the taxation clerk. The taxation clerk contacted defense counsel and indicated that defendant should file a motion with the court seeking review of the actions of the taxation clerk. On May 6, 2011, defendant filed a motion for an order authorizing \$904.95 in costs. For the reasons stated below, defendant's motion is granted.

Taxable costs, which a prevailing party is entitled to as a matter of course so long as they file a properly supported bill of costs, are set out in 28 U.S.C. § 1920. See also, Fed. R. Civ. P. 54(d)(1). These costs include taxable fees of the clerk, fees of the court

reporter for transcripts necessarily obtained for use in the case, witness fees, service fees, certain copying fees, and other costs. The taxable versus non-taxable costs, as well as the required supporting documentation and guidelines used by the taxation clerk, are set out in the Bill of Costs Handbook.

Defendant seeks: (1) \$350 for fees of the clerk; (2) \$62.14 for fees of the marshal; (3) \$452.81 for deposition transcripts; and (4) \$40.00 for the statutory witness fee for Dr. Jebson. It appears defendant is not seeking review of the denial of \$149.89 in mileage costs. In its amended bill of costs and motion, defendant has provided appropriate reasons for allowing the clerk fees, marshal fees, deposition transcript fees, and statutory witness fee under the authority provided in the Bill of Costs Handbook and 28 U.S.C. § 1920. As such, defendant's motion is GRANTED and costs in the amount of \$904.95 are allowed.

So ordered.

Dated: June 6, 2011

S/George Caram Steeh
GEORGE CARAM STEEH
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

Copies of this Order were served upon attorneys of record on June 6, 2011, by electronic and/or ordinary mail.

S/Josephine Chaffee
Deputy Clerk